HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ petition No.6534 of 2007

Dated: December 28, 2007

Between:

Nalam Appa Rao, S/o. Nooka Raju,
Aged about 28 years, R/o. Gopalapuram
Village & Mandal, West Godavari District.

… Petitioner

And

Superintendent of Police, West Godavari
District, Eluru and others.

… Respondents

Order:

In this writ petition, petitioner seeks declaration by way of Mandamus to declare the action of the respondents in opening and continuing rowdy sheet against the petitioner as arbitrary and illegal.

2. Heard learned counsel for the petitioner and also the learned Government Pleader for Home appearing for respondents.

3. Petitioner was involved in Cr.No.26/2000 registered for the alleged offence under Section 302 of the Indian Penal Code on the file of the Gopalapuram Police Station. In view of his involvement in the said crime, a rowdy sheet was opened against him as per Police Standing Order 742.

4. The case of the petitioner is that though he is acquitted of the charges in the aforesaid crime, the rowdy sheet opened against him is being continued and is not being reviewed in the absence of his further involvement in any crime.

5. Respondent No.3, Sub-Inspector of Police, Gopalapuram Police Station has filed counter affidavit stating that petitioner was involved in Cr.No.26/2000 registered for the alleged offence under Section 302 IPC. It is stated that as per the directions of the Sub-divisional Police Officer, Jangareddygudem, a rowdy sheet was opened against the petitioner on 31-12-2000 and the same is being continued and renewed from time to time and is valid upto 31-12-2007. It is further stated that a case in Cr.Nos.67 and 68 of 2006 were registered against the petitioner under Section 110 (e) Cr.P.C. and he was arrested and produced before the Mandal Executive Magistrate, Gopalapuram on 21-06-2006. It is also stated that another case in Cr.Nos.15 and 16 of 2007 was also registered against the petitioner under Section 110 (e) Cr.P.C and proceedings are pending.

6. In view of the involvement of the petitioner in the aforesaid crimes, opening of rowdy sheet against him cannot be said to be illegal. However, this court, in the case of ***S. Satyanarayana Vs. State of Andhra Pradesh***[1], held that the rowdy sheet opened, cannot be continued mechanically and it has to be reviewed periodically.

7. As much as the rowdy sheet opened against the petitioner stands valid upto 31-12-2007, I dispose of the writ petition permitting the petitioner to submit a representation to the Sub-Divisional Police Officer concerned bringing to his notice about his acquittal. On such

representation being filed, the Sub-Divisional Police Officer shall review the rowdy sheet opened against the petitioner by taking into account the acquittal of the petitioner in Cr.No.26/2000 and also by verifying the involvement of the petitioner in any other crimes, pass appropriate orders and communicate the same to the petitioner. There shall be no order as to costs.

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JUSTICE R. SUBHASH REDDY.

December 28, 2007
MRR

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[1] 1999 (6) ALT 249